

FORM PTO-1390  
(REV 3/2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

DATE: June 25, 2004

EXPRESS MAIL LABEL NO.  
EV 351244478 USATTORNEY DOCKET NO.  
52744/MEG/E303U.S. APPLICATION NO.  
To be Determined **107500188**INTERNATIONAL APPLICATION NO.  
**PCT/EP02/14655**INTERNATIONAL FILING DATE  
**20 December 2002**PRIORITY DATE CLAIMED  
**28 December 2001**TITLE OF INVENTION  
**DELAYED MEMORY DEVICE**

APPLICANT(S) FOR DO/EO/US

**Jan Otto Solem, Per Ola Kimblad, Randolf von Oepen, Bodo Quint, Gerd Seibold, Kenneth J. Michlitsch, Suk-Woo Ha, Karl-Ludwig Eckert, Ib Joergensen and Stevan Nielsen**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/LUS).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (unexecuted)
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 13 to 20 below concern document(s) or other information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ **SMALL ENTITY** Assertion: Applicant(s) and any other associated with it/them under 37 CFR § 1.27(a) are a small entity.
20. ☒ Certificate of Mailing by Express Mail.
21. ☒ Other items or information: Copy of three (3) Notifications of the Recording of a Change dated March 19, 2004; Copy of International Publication No. WO 03/055417 A1

10/500188

<b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)</b> <b>To be Determined</b>		<b>INTERNATIONAL APPLICATION NO.</b> <b>PCT/EP02/14655</b>		<b>ATTORNEY DOCKET NO.</b> <b>52744/MEG</b>	
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22. The following fees are submitted:				<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO: <b>\$1,080.00</b>					
<input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO <b>\$920.00</b>					
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO <b>\$770.00</b>					
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) <b>\$730.00</b>					
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) <b>\$100.00</b>					
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				\$ 920	
Surcharge of \$130 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130	
<b>Claims</b>	<b>Number Filed</b>	<b>Number Extra</b>	<b>Rate</b>		
Total Claims	37-20=	17	<b>X \$18</b>	\$ 306	
Independent Claims	5 -3=	2	<b>X \$86</b>	\$ 172	
Multiple dependent claim(s) (if applicable)			<b>+ \$290</b>	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1528	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$	
<b>SUBTOTAL =</b>				\$ 1528	
Processing fee of \$130 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$ 1528	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 1528	
<b>Note (1): The basic national fee must be paid when filing this application. The 20-month time limit (37 CFR § 1.494) and 30-month time limit (37 CFR § 1.495) are not extendable.</b>				Amount to be:	\$
				Refunded	
				Charged	\$

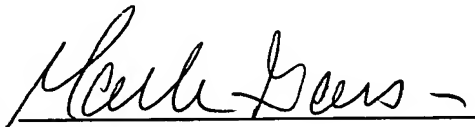
  

☒ A check in the amount of \$ 1528 to cover the above fees is enclosed.  
☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
 A duplicate copy of this sheet is enclosed.  
☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1728. A duplicate copy of this sheet is enclosed.

**NOTE (2): Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

**Chris James**  
**EDWARDS LIFESCIENCES, LLC**  
**One Edwards Way**  
**Irvine, California 92614**  
  
**CUSTOMER NUMBER: 30452**

By   
**Mark Garscia**  
**Reg. No. 31,953**